

November 19, 2002

The Honorable Gale Norton
Secretary
Department of the Interior
1849 C Street NW
Washington, DC 20240

Via fax: 702 293-8156

Dear Secretary Norton:

The draft supplement to the 2002 Annual Operating Plan (AOP), distributed via email on November 18, is patently absurd. We write to register our strong opposition to any supplement to the 2002 AOP that authorizes deliveries in 2002 to California's agricultural contractors, or to any other user, beyond the volume specified in the 2002 AOP.

The draft supplement jeopardizes the Secretary's credibility as watermaster, subverts the interim surplus guidelines, increases the likelihood of system shortage, undermines faith in California's commitment to its 4.4 Plan, fails to define a payback schedule, violates the principles of consultation and transparency, and threatens to return the basin to acrimony and conflict.

The supplement is fundamentally wrong. We urge the Department of the Interior to abandon it.

We oppose the delivery of water to California's agricultural contractors beyond their entitlement of 3.85 million acre-feet. Interior has no obligation to deliver such water, and we know of no authority permitting the Department to do so. Regrettably, the conference call on the afternoon of November 19 suggested that Interior plans to proceed with the issuance of the supplement with but perfunctory attention to stakeholder comments. Nonetheless, if Interior insists on delivering such water, any consideration of equity or the integrity of the Colorado River system dictates that payback must be completed in 2003, without option of forgiveness, regardless of hydrologic conditions, and wholly independent of California's execution of the Quantification Settlement Agreement.

The use of additional water contemplated by this supplement cannot be considered an "inadvertent overrun." Contractors had ample warning that they would exceed their entitlement and had abundant opportunity to adjust their delivery schedule. Since this overrun was anticipated and not avoided, the parties responsible for the overrun should be penalized for their reckless behavior in this situation. We insist that, at a minimum, such parties be required to repay the full overrun amount in the next water year, and in addition

pay a penalty, as a volume of additional water, to the system in quantities sufficient to provide a deterrent for any parties considering similar reckless behavior in the future.

Sincerely,



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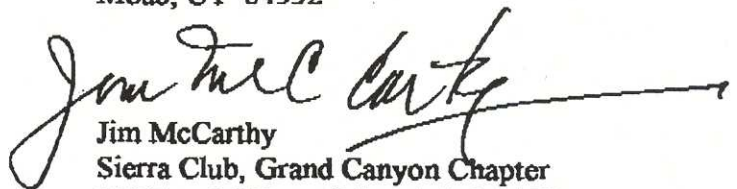
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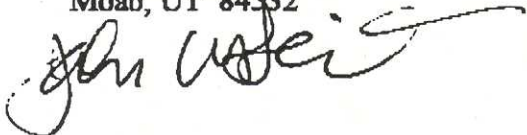


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